

Men Who Figured in Kentucky Feud Which Resulted in Murder of J. B. Marcum



James Hargis

A. H. Hargis

Curtis Jett

Beattyville, Ky.—The jury in the Hargis-Callahan trial returned a verdict of not guilty in short order after one of the most desperately fought battles in a Kentucky court for years. Judge James Hargis and Edward Callahan were charged with the murder of J. B. Marcum.

Curtis Jett, who was brought here from the Frankfort penitentiary, testified that he killed Marcum.

The verdict of not guilty is the culmination of a long and bitter fight in courts in an attempt to convict James Hargis and Ed Callahan as chief conspirators in one of the darkest crimes in Kentucky history.

James B. Marcum was a mountain Republican lawyer of excellent standing. He was engaged three years ago as an attorney in the contest against Hargis and Callahan, respectively Democratic judge and sheriff-elect, to oust them from their offices on an allegation of corrupt election. Much bitterness was aroused and frequent open ruptures occurred.

Killed at Jackson.

In May, 1903, Marcum was shot to death from behind in the Jackson courthouse. Curtis Jett and Tom White were convicted and sentenced to life imprisonment for the murder. It was charged that they were the tools of Callahan, Hargis and others. Jett, after his conviction, confessed that he shot Marcum and that his act was inspired by Callahan and Hargis. On the witness stand, however, he repudiated the confession and said he alone was responsible. A lawsuit followed largely on this repudiation.

A jury of Clark county citizens returned a verdict for \$8,000 damages a year ago against Hargis on the allegation that he had caused Marcum to be killed. The suit was filed by Mrs. Marcum. Hargis and Callahan are yet to be tried in the Lexington court for the killing of James Cockrell under similar circumstances.

Ewing a Star Witness.

B. J. Ewing, who was standing in the courthouse door talking with J. B. Marcum when the latter was murdered by Curtis Jett and "Tom" White, was the star witness for the commonwealth at the trial of Hargis and Callahan. Ewing was a deputy sheriff under Callahan and a close and trusted friend of Judge Hargis. He said Judge Hargis was confidential with him and told him of many of his troubles and ambitions. He said

Hargis had asked him why he did not kill Marcum one night when the latter had remained at his house all night.

"Next time you get a chance take that fellow on a walk and return without him," Ewing said he understood Hargis to mean that he wanted him to kill Marcum, but he did not take the hint. He said Hargis, after the murder of Marcum, had asked him to resign as deputy sheriff, so that he could sit on a jury that might try the men accused of his murder.

Attorney Young, for the prosecution, attempted to make light of Ewing and was rebuked by Judge Dorsey. Ewing said that he had

identified Jett and admitted that he was the first to reveal the name of the assassin. He was also asked if his hotel had not been burned to the ground shortly after he had made the admissions which resulted in the arrest of Jett and White said that it had been burned and that he had been forced to leave Jackson for fear of assassination.

Other witnesses who told of parts of the plots to take the life of Marcum were John T. Noble, who was a clerk in the Hargis store; Hezekiah Combs, E. L. Noble, N. B. Combs and others. The widow of the murdered man, with the boy whom the father had carried to and from his office with his arms around his neck to ward off the bullets of the assassins, who feared killing the child, was in the courtroom.

Hargis took a deep interest in the trial, while Callahan, as usual, was listless and gave little attention to what was going on. Judge Dorsey made several rulings that greatly disappointed the commonwealth.

Curtis Jett, the self-confessed assassin of Marcum and Cockrell, came here to testify from the Frankfort penitentiary in the charge of prison guards. He was brought here to tell the story of the assassination of Marcum and of the alleged plots formed by Hargis and Callahan to have him murdered.

Man Officially Dead Still Lives.

For an officially dead man, Henry Pancoast, a local liveryman, manages to enjoy his meals and surroundings fairly well; and his is one of the oddest of records. Pancoast enlisted in the civil war from Atlantic county and was discharged from the Echington hospital, Washington, D. C., on January 7, 1863. Somehow the dates got mixed, and he was reported as dead by the surgeon, and so the records state to-day. It took him 20 years to prove he was alive enough to get a pension.

For 31 years Pancoast has been in the livery business here, and during that time he has never entered a church, never attended a circus, never was in the local opera house or attended any amusement whatever, and never went to a Fourth of July celebration. The only place of entertainment he has visited was a reunion of

his regiment, the Twenty-fifth New Jersey volunteers, in Atlantic City, a year or two ago. He says there is not another record like his in the state. The old soldier has left his home every morning before the family was up, and returned most of the time after they had retired for the night, and hardly had a speaking acquaintance with his four children, all of whom grew up to fill prominent positions in life.

Kaiser Plans World's Fair.

Berlin.—The government has decided to invite the nations of the world to participate in a great international exposition to be held here in 1912. It is proposed that the exposition shall surpass all world's fairs, not excepting the marvelous expositions for which Paris is famous, or the two great American fairs at Chicago and St. Louis.

CEMETERY IS A GOLD MINE

Graveyard Claim Is Jumped by an Enthusiastic Prospector in Montana.

Butte, Mont.—The Jewish cemetery has been "jumped" as a gold mine. So has the entire south half of the Mount Moriah cemetery. All the land intervening between the Catholic and Protestant cemeteries has also been staked out to comprise a ten-acre placer claim known as the Palm Leaf placer.

Herman Mueller, a wealthy saloon keeper, declares that there is gold in the cemetery. He has located his placer claim in ground around the two graveyards and his corner posts touch the Catholic cemetery fence, the boulevard and the common, and one sacrilegious stake has been driven in the Mount Moriah soil not far from the W. A. Clark plot.

The Jewish cemetery has been completely enveloped by the location, and, technically, the Jews have now no cemetery.

Jews about town are boiling with indignation, and public protests have been made. Indignant citizens have pulled up the northwest corner post of the Palm Leaf placer, driven near a headstone, and have thrown it over the fence.

The ground is supposed to be the property of the Northern Pacific Railway company, and was given by the courtesy of the company to the various denominations desiring burial grounds.

Mr. Mueller declares that the land commissioner ruled that the ground was a government common. He says that he and Gus Nickle located the ground 12 years ago, but that since that time the mine has been abandoned. Recently he made the relocation which is causing so much comment and protest. Mueller says he does not propose to let sentiment interfere with his fight for fortune.

LAFFITTE of LOUISIANA

BY MARY DEVEREUX

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CHAPTER XXVII.

Early in December, 1814, Gen. Jackson arrived at New Orleans.

Lafitte had, some time before this, at Shell Island, seen a copy of the proclamation issued by Jackson while yet at Mobile, after the general had received from Gov. Claiborne a full statement of the proposition made to Lafitte by the English, together with the Baratarian leader's offer of service on behalf of himself and his followers.

Between 8 and 9 o'clock of an evening toward the middle of December, Jackson and Gov. Claiborne were seated in the library of the latter's residence, engaged in an earnest discussion of some of the many perplexing questions with which they were confronted.

"We are too weak, by far, I tell you, Claiborne," Gen. Jackson was saying with irascible emphasis, "and without anything like a sufficient strength to meet what is now at our very doors. I feel—to be frank with you—some doubt of our ability to sustain the present enthusiasm of these people who were talking so lately of capitulating to damned Britishers."

"Capitulating!" echoed the governor, "Surely, general at this late day, and in the face of the pledges they have made, neither the legislature nor the citizens would return to any such idea."

"I am not so sure of that, if they were forced, as you are and I, to realize that the enemy outnumber us ten or more to one," growled Jackson.

Before the governor—whose back was to the door—could reply to this outburst, he became aware that a third person had entered the room; and he glanced over his shoulder to see who it might be, while his face showed the irritation he felt at any one presuming to interrupt him at such a time.

But his expression changed to one of mingled anger and consternation; and Jackson, who had been sternly re-

fractory toward Gen. Jackson, who was still staring at him, as if in wonder at his youth and appearance.

"I ask, general," he said, "that you, and you, also, Gov. Claiborne, will accord me the honor to read the original documents I received some time ago from your enemies, and in respect to which I understand my statement was condemned as false."

"Be seated, Capt. Lafitte," said Gov. Claiborne, with rather reluctant courtesy.

The former bowed slightly in recognition of the invitation, but remained standing as he continued, with increased emphasis, "The statements I made were true, and my former offer was submitted in perfect good faith, inspired by earnest desire to fulfill my duty to the country in which I have made my home, and whose laws I have never been found guilty of transgressing. All I asked in return was that the names of myself and followers should be freed from the obloquy which has unjustly become attached to them."

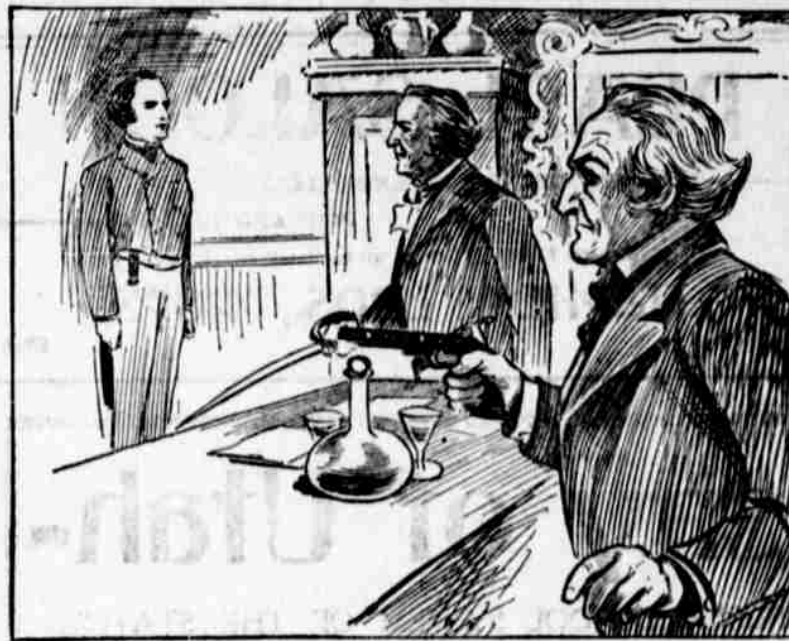
Lafitte's words and manner were full of stern dignity, and Claiborne made neither reply nor comment. Jackson, however, accepted the implied challenge.

"Have you never been accused of smuggling, and slave-trading, Capt. Lafitte, and of being a privateer?" he asked, in a tone of dry sarcasm.

"Accused, yes; but never convicted," was the quick reply. "I was once, as Gov. Claiborne will tell you, indicted; but I was tried before an impartial judge, and acquitted by a jury composed of the foremost citizens of the state."

Jackson's face expressed surprise, and he glanced inquiringly at Claiborne, who nodded, as if in affirmation of the statement. Then the former, again turning his stern eyes upon Lafitte, asked, "How is it with you in regard to privateering?"

"Let me ask how it is with you, Gen. Jackson, and with your own country."



"Surely Gen. Jackson will not fire upon an unarmed man!"

guarding the intruder, started to his feet.

After bowing respectfully, the newcomer stood silent, while his black eyes searched with curious intensity the stern face of Gen. Jackson, whose right hand had stolen into the breast of his coat.

The governor, who had risen when he saw the key turned in the door, now made a step or two toward the chair where lay his sword; but the stranger, picking up the weapon before Claiborne could reach it, presented it to the latter with a graceful bow, coupled with a courteous "Permit me, sir."

Then, turning quickly to Jackson, he added, extending both arms to their full length, either side of him, "Surely Gen. Jackson will not fire upon an unarmed man!" And he advanced to the table.

Gov. Claiborne's face had reddened angrily as he took his sword from the stranger's hands and replaced it on the chair; and Jackson's expression changed somewhat, as, with "Assuredly not, sir," he withdrew his hand from the pistol.

"I beg, gentlemen, that you will pardon my intrusion," said the unknown visitor, "until you shall hear the object of my mission. And I pray you to believe that I come here for no other reason than a desire to be of use to you, and to the country both of you serve."

"May we know your name, sir?" inquired Claiborne, stiffly, and with a brightness of manner in which there was no sign of softening.

"I am the man whom your excellency has been pleased to proclaim an outlaw, and for whose capture you have offered a reward of five hundred dollars; the man—now fixing his piercing eyes upon Jackson's face—'whom, with his followers, you, sir, have branded as 'hellish banditti,' and as the 'pirates of Barataria.' I am Jean Lafitte."

"You are a bold man, Capt. Lafitte, to venture into New Orleans, to say nothing of presenting yourself here," was the governor's unconciliatory response.

Lafitte bowed, as if acknowledging a compliment, and drawing a package from his breast held it across the table

in regard to privateering?" And a curl of scorn touched Lafitte's lips. "Tell me, I pray you, sir, how many scores of vessels, flying the flag of the United States, are, at this moment, preying upon foreign commerce?"

"But only upon the commerce of Great Britain, with whom we are at war," declared Jackson, his grim features relaxed—but only for an instant—by a satisfied smile; "and they are acting under regular letters of marque and reprisal."

"True; and the vessels in which I have been interested acted under letters of marque from the Republic of Carthage, and sailed under the flag of that nation. Never, since I controlled them, have they interfered with the ships of any nation excepting Spain, with whom, as you are aware, the Republic of Carthage is at war."

Jackson was silent, and glanced scowlingly at Claiborne, who was tapping the table absently, and appeared absorbed by his own reflections.

"I thank you, general," Lafitte resumed, speaking with less emphasis, "for the opportunity you have given me to explain these matters. And, without going into them any farther, I wish to assure you once more that my former offer was made from legitimate and patriotic motives."

Jackson bowed, as if in acquiescence.

"But," demanded Lafitte, a sudden rush of indignation sounding in his voice, "how was it received? My motives were impugned—my statements branded as false; my messengers were imprisoned. And, as a fitting sequence to this, an armed expedition was sent to Barataria; my men were butchered, or taken prisoners; my vessels seized, and my property destroyed. In addition to this, and harder than all else, my foster-brother, after being mortally wounded, was brought to New Orleans, thrown into the common gaol, and left there, to die."

Lafitte had been standing all this time. But now, as he finished speaking, he seated himself and folded his arms, while his face took an expression of stoical indifference contrasting sharply with the impassioned words that had just poured from his lips.

Jackson and Claiborne looked at one

another, as if each were waiting for the other to speak, until the former, while he fingered the package he had taken from the table, said in a tone whose gravity held something akin to tenderness, "Capt. Lafitte, you understand, of course, that I, an officer of the army, cannot criticize in your presence anything that took place prior to my assuming command here. But, speaking as a man, and as one who has had his own share of hardship and sorrow, I may venture to extend to you my regret and sympathy for the trouble and bereavement that seem to have been yours."

Lafitte bent his head silently. Claiborne, who had been fidgeting impatiently, now hastened to say, "You will do me the justice, Capt. Lafitte, to believe that I wished to accept your offer. But my personal views were overruled by those upon whose judgment I relied; and the expedition to Barataria was sent at their instigation—not mine."

"And yet," said Lafitte, with dry sarcasm that brought a faint smile to Jackson's firm lips, "you are the governor of Louisiana."

Claiborne winced; but before he could answer the thrust Lafitte added, with a shrug of his shoulders, "But it matters not at whose instigation the outrage was committed. The facts are as I have stated, and what is past must stand. Now, Gen. Jackson, may I ask that you open that package, and read the papers it contains?"

As Jackson perused the first paper, the impressions he gathered were plainly observable in his look, and half-audible comments.

"Fine bombast," he growled, before going very far. Then, a little way on, "Sophomoric rubbish!" Savors of Eton, with some of George the Third's silly maunderings." And so on, until the end was reached.

Claiborne had seated himself closer to Jackson; and presently, the latter, with an exclamation of the strongest disgust, handed him the paper.

"Here, Claiborne, you have seen a copy of this; but you had better refresh your memory by reading the original."

The governor took the paper and had begun to read it, when, chancing to glance at Lafitte, he was puzzled by the expression of the latter's face.

He was leaning back in his chair, his lips half-parted, and his face softened by a glow seeming to come from an inward light, as his eyes rested upon something hanging against the wall, back of the governor.

It was an old engraving of Napoleon, one that, as the governor knew, was brought from Barataria by a soldier from whom he—an ardent admirer of the emperor—had rescued it.

The thought of this made him—in the new light thrown by Lafitte's accusations with reference to the attack upon Barataria—feel uncomfortable; for, should Lafitte recognize the picture as his own property, its present possessor would be placed in an unenviable position.

He had forced his eyes back to the paper, whose contents he recalled quite accurately. But now, with the impression already made upon him by Lafitte, and the latter's face—as he had just seen it—insisting itself between his eyes and the writing, he was forced to acknowledge to himself that, pirate and outlaw as he had been named, the Baratarian leader had shown the greatest generosity and patriotism, together with a personal courage which appealed strongly to his—the governor's—sense of loyalty.

Possessed by this feeling, he glanced again at the younger man, to see him still looking in the same direction, apparently oblivious of all surroundings, while his rapt expression made the governor wonder.

Jean Lafitte's heart was in communion with that pictured face, and with its original, whom he seemed to be once more facing upon Elba, looking into the eyes that had rested so kindly upon him at the last, and hearing the voice uttering words of old-time affection.

(To be continued.)

Troublesome Children.

Everything is relative, after all, even age; yet one might suspect that the "children" of one Mr. Muzey's "Men of the Revolution" might have arrived at years of some discretion and proper regard for behavior.

When I saw the old soldier, says Mr. Muzey, he was the sole survivor of those who witnessed the battle of Bunker Hill. At the age of 95 years he was attending a Whig celebration held at Boston in 1850, and there I met him. He was a good-looking old man, with a large, well-shaped head, blue eyes and mild expression. His whole countenance beamed with benevolence.

I asked him if he had any children. "Oh, yes, I have two sons," he replied.

"Why did you not bring them with you?"

The old man's smooth brow wrinkled into a semblance of a frown as he said:

"I didn't want to be plagued with those boys on an occasion of this sort."

"Why, how old are they?" I asked, wondering if he could mean his grand children.

"Oh, one is 70 and the other is 72. But I couldn't be bothered with them."—Youth's Companion.

White Jet Jewelry.

White jet is the jewelry novelty of 1905 in Europe. It is like ivory, but sparkles, and when it has been carefully cut the effect is said to be dazzling. Old jet, both black and white, is being unearthed and reset. Queen Victoria had a magnificent collection, which Princess Victoria of Schleswig-Holstein inherited.

PRISON TRUCK FARM

Jefferson City, Mo.—Warden Matt W. Hall, of the Missouri penitentiary, is a gardener on quite an extensive scale. This year he has devoted a part of the state farm, located just east of the prison, to "garden truck," and is just beginning to realize some of the results that follow careful and intelligent tilling of the soil, in the way of palatable and healthy additions to the prison menu, and at a minimum of expense to the state.

The farm is in charge of John Bruner, who works several convicts in caring for the place. Just now the "snap bean" crop is in full bearing. The bean patch covers several acres of ground, and the crop on the state farm is unusually prolific.

The soil on top of the hill seems to be especially adapted to the bean, and there will be several "meases" for all hands in the warden's family of 2,800 persons.

Some idea of what it takes to go round in the prison is gained when it is known that it requires 75 bushels of snap beans for one meal. Recently that amount of beans was turned over to the prison kitchen, and it required all of it to give each convict all the beans he could eat. Several hundred pounds of bacon were required to cook them properly and give the right flavor.

Radishes were grown in great quantities earlier in the season, and onions have been served several times from the farm. There is a great quantity of the onions still in the ground. This healthful, if somewhat odoriferous, vegetable is eagerly welcomed by the convicts as, in fact, is all the garden truck.

"John," said Mr. Hall, to Bruner, the man in charge of the farm, "we must have a little slaw for the Fourth of July dinner. How many heads of cabbage can you let Bowen have for that day?"

"About 1,400 or 1,500 heads," was

the reply. These cabbages will average perhaps two pounds to the head, so it will be observed that several thousand pounds of raw material enters into the problem of providing the prison population with the one item of a little cold slaw for their holiday dinner.

The cabbage patch on the state farm includes 18,000 growing plants, and the crop is flourishing, but big as the patch is a few rounds of "cold slaw" will make heavy inroads on it.

There are several acres of potatoes, a roasting ear patch of two or three acres, but the crowning glory of the big garden is the tomato field, where there are 13,000 or 14,000 flourishing plants growing that give promise of a great yield of this most delightful of all vegetables.

Some of the vines are loaded with tomatoes that will be ready for use in a few weeks, while others have just reached the blooming stage. If nothing happens to injure the vines there will be an abundance of this crop, for the vines will continue to produce until frost kills them.

Warden Hall and Mr. Bruner figure that after the season is over they will have unripe tomatoes enough on hand when the frost comes to make several hogheads of chowchow.

It is worth a trip to the state farm to see the gardening on a large scale that Warden Hall has inaugurated. His theory is that whatever expense is involved in growing the vegetables for use of the convicts is more than offset by the diminution of the sick list.

The land has deteriorated somewhat during the last few years, when it was leased by the state to private individuals, and Mr. Hall will by systematic effort seek to build it up and restore it to a high degree of productivity. To this end much of it will be sown in cowpeas this summer, and this will be turned under early in the fall.